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EXAMINER
HOSSAIN, FARZANA E

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/058,035	Applicant(s) TAKAGI ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08-08-2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 08-08-06. Claims 1, 2 are amended. Claims 3, 4 are original. Claims 5-9 are new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed 08-08-06 have been fully considered but they are not persuasive.

The applicant argues that Claim 2 is not rendered obvious because Kim does not disclose that there a search for an adjacent minor channel in an opposite direction from the direction selected by the operation key (Page 11). The applicant argues that Kim discloses selecting the lowest minor channel when there is no higher minor channel and selecting highest minor channel when there is no lower channel number (Page 11).

In response to the arguments, Kim discloses the control unit is search for the next adjacent minor channel number whether it is higher channel or a lower channel to perform the function of selecting a channel (Pages 3-4, paragraph 0040-0042). The

selection of an operation key in the UP direction searches for the next adjacent minor channel number in the UP direction, and when there is not a sub channel in the UP direction, then an adjacent minor channel of the DOWN direction is selected (Figure 4). The same search occurs an operation key in the Down direction is selected for the next adjacent minor channel number in the DOWN direction, and when there is not a sub channel in the DOWN direction, then an adjacent minor channel of the UP direction is selected (Figure 4). Kim meets the limitations. See rejection below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al (US 6,661,472 and hereafter referred to as "Shintani) in view of Lajoie et al (US 6,772,433 and hereafter referred to as "Lajoie").

Regarding Claims 1 and 9, Shintani discloses a channel selection device or remote control (Figure 1B, 100) used in a digital/analog broadcasting receiver or digital television and a method for channel selection, (Figure 1B, 150) comprising,

a receiver or television (TV) for receiving an encoded digital/analog broadcasting signal (Figure 1B, 150, 160) originated from a broadcasting station or a source, as it is necessarily included that a source broadcast the signal to the receiver,

a digital/analog decoder or channel processing circuit (Figure 1B, 170) for decoding the digital/analog broadcasting signal (Column 4, lines 31-43) received from the receiver (Figure 1B, 150, 160) and then outputting the signal to a display device for displaying an image (Figure 1, 155, Column 4, lines 42-43),

a memory or channel look up table (Figure 1B, 175) for storing channel information contained in the broadcasting signal decoded by the digital decoder or channel processing circuit (Column 4, lines 8-23),

a control unit or channel control circuit (Figure 1B, 165) for controlling the sections of the receiver (Figure 1B, 165), and

an input device or remote control (Figure 1B, 100) for inputting a user's instruction for channel selection to the control unit (Column 3, lines 62-67), wherein the device receives a digital broadcast and an analog broadcast which are originated through different channels (Column 4, lines 1-7), the digital broadcast has, in one main or major channel, one or a plurality of sub-channels or minor channels for originating contents (Column 4, lines 1-7) therethrough, the sub-channels are assigned virtual channels headed by the same channel number as the main channel in the analog broadcast (Column 2, lines 46-65) and

wherein the control unit controls the device such that the receiver receives the broadcasting signal of a selected channel upon reception of the channel selection

instruction from the input device (Figure 3, 300, 305, Column 5, lines 64-65, Column 6, lines 1-8, Figure 5, 500, 502) and the digital decoder or channel processing circuit decodes the received broadcasting signal (Figure 5, 520), in order to obtain the channel information contained in the decoded broadcasting signal and then store the channel information in the memory (Column 7, lines 1-5); wherein the input device includes an UP/DOWN key (Figure 1, 120). Shintani discloses the ability to use the UP/Down key for selecting the next channel which includes next major and minor channel by checking the memory or look up table when receiving instruction (Column 6, lines 9-20).

Shintani is silent on the input device includes an UP/DOWN key for instructing the control unit to select a sub-channel adjacent in upward/downward direction in the same main channel, the control unit references the channel information to thereby select an upward/downward adjacent sub-channel in the main channel through which a broadcast is being received currently, each time the UP/DOWN key is operated; selects a sub-channel having the largest sub-channel number, when receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information, selects a sub-channel having the smallest sub-channel number, when receiving the instruction by the DOWN key and not finding a downward adjacent channel in the main channel with reference to the channel information.

In analogous art, Lajoie discloses a digital television that receives encoded analog or digital data (Figure 1, Column 4, lines 36-37) and a control unit or microprocessor (Figures 3, 30) processes the broadcast to display on the display device

Art Unit: 2623

via a remote control or input device (Figure 3, 30, 59). Lajoie discloses EPG or electronic program guide information stored (Figures 15-17, 21). Lajoie discloses that the EPG displays program listings (Figures 15-17, 21) and the program listings can be listed with all category listing and sub category listings including Favorites and Theme (Figures 15-17, 21). Lajoie discloses that the input device includes an UP/DOWN key for instructing the control unit to select a sub-channel or programming on the favorite or theme list adjacent in upward/downward direction in the same main channel or theme or favorite categories (Column 15, lines 4-7, Column 25, lines 30-52) to thereby select an upward/downward adjacent sub-channel or theme or favorite programming in the main channel or respective categories through which a broadcast is being received currently, each time the UP/DOWN key is operated (Column 15, lines 4-7, Figure 15, Figure 20); selects a sub-channel or channel with theme or favorite programming having the largest sub-channel number or channel with largest number for the theme or favorite lists, when receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information or the EPG allows the user to scroll in the upward direction and the listings do not roll over or do not allow scrolling in the same direction once the top has been reached (Column 15, lines 4-7, Column 25, lines 30-52), selects a sub-channel or channel with theme or favorite programming having the smallest sub-channel number or channel with smallest number for the theme or favorite lists, when receiving the instruction by the DOWN key and not finding a downward adjacent channel in the main channel with reference to the channel information or choosing a program of lowest minor or sub channel when pressing the

down key or the EPG allows the user to scroll in the downward direction and the listings do not roll over or do not allow scrolling in the same direction once the bottom has been reached (Column 15, lines 4-7, Column 25, lines 30-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shintani input device includes an UP/DOWN key for instructing the control unit to select a sub-channel or programming on the favorite or theme list adjacent in upward/downward direction in the same main channel or theme or favorite categories (Column 15, lines 4-7, Column 25, lines 30-52) to thereby select an upward/downward adjacent sub-channel or theme or favorite programming in the main channel or respective categories through which a broadcast is being received currently, each time the UP/DOWN key is operated (Column 15, lines 4-7, Figure 15, Figure 20); selects a sub-channel or channel with theme or favorite programming having the largest sub-channel number or channel with largest number for the theme or favorite lists, when receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information or the EPG allows the user to scroll in the upward direction and the listings do not roll over or do not allow scrolling in the same direction once the top has been reached (Column 15, lines 4-7, Column 25, lines 30-52), selects a sub-channel or channel with theme or favorite programming having the smallest sub-channel number or channel with smallest number for the theme or favorite lists, when receiving the instruction by the DOWN key and not finding a downward adjacent channel in the main channel with reference to the channel information or choosing a program of lowest minor or sub channel when pressing the



down key or the EPG allows the user to scroll in the downward direction and the listings do not roll over or do not allow scrolling in the same direction once the bottom has been reached (Column 15, lines 4-7, Column 25, lines 30-52) as taught by Lajoie in order to provide a user to easily select programs when there are several programs per major category and programming can be easily updated to include the non-circular scrolling of channels.

Regarding Claim 6, Shintani and Lajoie disclose all the limitations of Claim 1. Shintani discloses on a first mode of switch over configuration the UP and DOWN keys instruct the control unit to select a main channel and a second mode of the switch over configuration the UP and DOWN keys instruct the control unit to select a sub channel (Column 6, lines 9-20).

6. Claims 2-3, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al (US 6,661,472 and hereafter referred to as "Shintani) in view of Kim et al (US 2001/0052124 and hereafter referred to as "Kim").

Regarding Claim 2, Shintani discloses a channel selection device or remote control (Figure 1B, 100) used in a digital/analog broadcasting receiver or digital television (Figure 1B, 150) comprising,

wherein a receiver or television (TV) for receiving an encoded digital/analog broadcasting signal (Figure 1B, 150, 160) originated from a broadcasting station or a source, as it is necessarily included that a source broadcast the signal to the receiver,

wherein a digital/analog decoder or channel processing circuit (Figure 1B, 170) for decoding the digital/analog broadcasting signal (Column 4, lines 31-43) received from the receiver (Figure 1B, 150, 160) and then outputting the signal to a display device for displaying an image (Figure 1, 155, Column 4, lines 42-43),

wherein a memory or channel look up table (Figure 1B, 175) for storing channel information contained in the broadcasting signal decoded by the digital decoder or channel processing circuit (Column 4, lines 8-23),

wherein a control unit or channel control circuit (Figure 1B, 165) for controlling the sections of the receiver (Figure 1B, 165), and

wherein an input device or remote control (Figure 1B, 100) for inputting a user's instruction for channel selection to the control unit (Column 3, lines 62-67), wherein the device receives a digital broadcast and an analog broadcast which are originated through different channels (Column 4, lines 1-7), the digital broadcast has, in one main or major channel, one or a plurality of sub-channels or minor channels for originating contents (Column 4, lines 1-7) therethrough, the sub-channels are assigned virtual channels headed by the same channel number as the main channel in the analog broadcast (Column 2, lines 46-65) and

wherein the control unit controls the device such that the receiver receives the broadcasting signal of a selected channel upon reception of the channel selection instruction from the input device (Figure 3, 300, 305, Column 5, lines 64-65, Column 6, lines 1-8, Figure 5, 500, 502) and the digital decoder or channel processing circuit decodes the received broadcasting signal (Figure 5, 520), in order to obtain the channel

information contained in the decoded broadcasting signal and then store the channel information in the memory (Column 7, lines 1-5); wherein, the input device includes an UP/DOWN key (Figure 1, 120). Shintani discloses the ability to use the UP/Down key for selecting the next channel which includes next major and minor channel by checking the memory or look up table when receiving instruction (Column 6, lines 9-20).

Shintani is silent on the input device includes an operation key for instructing the control unit to select a sub-channel adjacent in upward/downward direction in the same main channel, the control unit references the channel information to thereby select an upward/downward adjacent sub-channel in the main channel through which a broadcast is being received currently, each time the operation key is operated; wherein the control unit searches the main channel currently received in reciprocation for the sub-channel to be selected when there is not the upward /downward adjacent sub-channel in the channel information, wherein the search in reciprocation is a search for an adjacent minor channel in an opposite direction from a direction selected by the operation key.

Kim discloses a digital television that receives encoded analog or digital data (Figure 1, 100, 102) and a control unit or microprocessor (Figures 1, 2, 124) processes the broadcast to display on the display device via a remote control or input device for a main or major channel with a sub or minor channel (Page 2, pargrah 0029). Kim discloses EPG or electronic program guide information stored (Page 1, paragraph 0005). Kim discloses that the channels for major and minor channels are part of the EPG information (Page 2, paragraph 0025). Kim discloses that the input device includes an operation key for instructing the control unit to select a sub-channel

Art Unit: 2623

adjacent in upward/downward direction in the same main channel (Page 3, paragraph 0040), the control unit or microprocessor references the channel information provided by the decoder (Figure 1, 108) to thereby select an upward/downward adjacent sub-channel in the main channel through which a broadcast is being received currently, each time the operation key is operated (Pages 3-4, paragraph 0040-0042); the control unit searches the main channel in reception currently in reciprocation or searches what the next highest or lowest channel should be for the sub-channel to be selected when there is not the upward/downward adjacent sub channel in the channel information (Pages 3-4, paragraph 0041-0042); wherein the search in reciprocation is a search for an adjacent minor channel in an opposite direction from a direction selected by the operation key (Pages 3-4, paragraph 0041-0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shintani so that the input device includes an operation key for instructing the control unit to select a sub-channel adjacent in upward/downward direction in the same main channel (Page 3, paragraph 0040), the control unit or microprocessor references the channel information provided by the decoder (Figure 1, 108) to thereby select an upward/downward adjacent sub-channel in the main channel through which a broadcast is being received currently, each time the operation key is operated (Pages 3-4, paragraph 0040-0042); the control unit searches the main channel in reception currently in reciprocation or searches what the next highest or lowest channel should be for the sub-channel to be selected when there is not the upward/downward adjacent sub channel in the channel information (Pages 3-4,

paragraph 0041-0042); wherein the search in reciprocation is a search for an adjacent minor channel in an opposite direction from a direction selected by the operation key (Pages 3-4, paragraph 0041-0042) as taught by Kim in order to provide a user to easily select programs when there are several programs per major channel (Page 1, paragraph 0006) as disclosed by Kim.

Regarding Claim 3, Shintani and Kim disclose all the limitations of Claim 2. Shintani discloses storing channel information in the channel lookup table (Figure 1, 175). Kim discloses EPG or electronic program guide information stored (Page 1, paragraph 0005). Kim discloses that the channels for major and minor channels are part of the EPG information (Page 2, paragraph 0025). Kim discloses comprising an OSD (On-Screen Display) output circuit or video processor/generator for providing OSD display of a list of the channel information stored in the memory in such a state that the digital and analog broadcasts thereof are mixed, on the display device wherein the list of the channel information is displayed in a vertically (Figure 5A, Figure 5B)/horizontally (Figure 3) arranged state in order of channel number, and a cursor for selecting the channels as interlocked with the instruction by use of the operation key is indicated in the list of the channels displayed on the display device in an OSD manner (Figure 3, Page 2, paragraph 0030, Figure 5A, Figure 8, Figure 9A, 9B, Pages 4-5, paragraph 0052-0054).

Regarding Claim 7, Shintani and Kim disclose all the limitations of Claim 2. Kim discloses that the operation key is dedicated to instructing the control unit to select a sub-channel (Pages 3-4, paragraph 0040-0042).

Regarding Claim 8, Shintani and Kim disclose all the limitations of Claim 2. Shintani discloses a first mode of switch over configuration the operation key instructs the control unit to select a main channel and a second mode of the switch over configuration the operation key instructs the control unit to select a sub channel (Column 6, lines 9-20).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view of Kim as applied to claim 2 above, and further in view of Eyer (US 6,483,547).

Regarding Claim 4, Shintani and Kim disclose all the limitations of Claim 2. Shintani discloses receiving a digital broadcast according to the ATSC (Advanced Television Systems Committee) standard (Column 2, lines 36-38). Shintani and Kim are silent on receiving an analog broadcast according to the NTSC (National Television Systems Committee) Standard. Eyer discloses a system that receives analog broadcasts and digital broadcasts for major and minor channels (Column 4, lines 22-35). Eyer discloses receiving an analog broadcast according to the NTSC (National Television Systems Committee) Standard (Column 6, lines 18-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shintani in view of Kim to receive an analog broadcast according to the NTSC

Art Unit: 2623

Standard (Column 6, lines 18-24) as taught by Eyer so that analog broadcasts conform to one standard.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view of Lajoie as applied to claim 1 above, and further in view of Park et al (US 6,590,618 and hereafter referred to as "Park").

Regarding Claim 5, Shintani and Lajoie disclose all the limitations of Claim 1. Shintani and Lajoie are silent on the input device includes a second UP key and a second DOWN key, wherein the second UP and DOWN keys instruct the control unit to select a main channel and the UP and DOWN keys instruct the control unit to select sub-channels. In analogous art, Park disclose an input device includes a first UP key (Figure 3B, 25), first DOWN key (Figure 3B, 26), second UP key (Figure 3B, 21) and a second DOWN key (Figure 3B, 22), wherein the second UP and DOWN keys instruct the control unit to select a main channel and the UP and DOWN keys instruct the control unit to select sub-channels (Column 3, lines 25-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shintani in view of Lajoie to include a second UP key (Figure 3B, 21) and a second DOWN key (Figure 3B, 22), wherein the second UP and DOWN keys instruct the control unit to select a main channel and the UP and DOWN keys instruct the control unit to select sub-channels (Column 3, lines 25-36) as taught by Park so that the main picture is not changed when changing the sub picture channels (Column 1, lines 54-60).

### ***Double Patenting***

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.



Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7050117 in view of Lajoie. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are broader in scope and therefore would unduly extend the time wise monopoly afforded to the other claims.

The following limitations are differences in the claim limitations for the two applications.

The instant application's limitations of selects a sub-channel having the smallest sub-channel number, when receiving the instruction by the DOWN key" is met by the limitations "the control unit select the smallest channel number of the sub channel form among the digital one if the main channel contains a plurality of sub-channels, in channel changing on the basis of the changing instruction from the input device" of U.S. Patent No. 7,050,117.

The instant application is missing the limitation of "the input device has UP/DOWN keys assigned for sub-channel switch over and RIGHT/LEFT keys assigned for main channel switch over." It would be obvious to include the features in the instant application as sub-channel switch over allows for changing sub channels. It would be obvious to modify U.S. Patent No. 7,050,117 to make the claim broader.

The instant application's limitation "the input device includes an UP/DOWN key for instructing the control unit to select a sub-channel adjacent in upward/downward direction in the same main channel, the control unit references the channel information to thereby select an upward/downward adjacent sub-channel in the main channel through which a broadcast is being received currently, each time the UP/DOWN key is operated; selects a sub-channel having the largest sub-channel number, when receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information" are additional features.

It would be obvious to include the limitations in Application No. U.S. Patent No. 7,050,117 as they are disclosed by the prior art. In analogous art, Lajoie discloses a digital television that receives encoded analog or digital data (Figure 1, Column 4, lines 36-37) and a control unit or microprocessor (Figures 3, 30) processes the broadcast to display on the display device via a remote control or input device (Figure 3, 30, 59). Lajoie discloses EPG or electronic program guide information stored (Figures 15-17, 21). Lajoie discloses that the EPG displays program listings (Figures 15-17, 21) and the program listings can be listed with all category listing and sub category listings including Favorites and Theme (Figures 15-17, 21). Lajoie discloses that the input device includes an UP/DOWN key for instructing the control unit to select a sub-channel or programming on the favorite or theme list adjacent in upward/downward direction in the same main channel or theme or favorite categories (Column 15, lines 4-7, Column 25, lines 30-52) to thereby select an upward/downward adjacent sub-channel or theme or favorite programming in the main channel or respective categories through which a

broadcast is being received currently, each time the UP/DOWN key is operated (Column 15, lines 4-7, Figure 15, Figure 20); selects a sub-channel or channel with theme or favorite programming having the largest sub-channel number or channel with largest number for the theme or favorite lists, when receiving the instruction by the UP key and not finding an upward adjacent channel in the main channel with reference to the channel information or the EPG allows the user to scroll in the upward direction and the listings do not roll over or do not allow scrolling in the same direction once the top has been reached (Column 15, lines 4-7, Column 25, lines 30-52), selects a sub-channel or channel with theme or favorite programming having the smallest sub-channel number or channel with smallest number for the theme or favorite lists, when receiving the instruction by the DOWN key and not finding a downward adjacent channel in the main channel with reference to the channel information or choosing a program of lowest minor or sub channel when pressing the down key or the EPG allows the user to scroll in the downward direction and the listings do not roll over or do not allow scrolling in the same direction once the bottom has been reached (Column 15, lines 4-7, Column 25, lines 30-52).

### ***Conclusion***

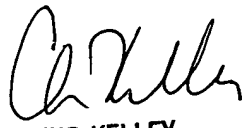
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
September 28, 2006

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600